



## *Report to the Auburn City Council*

Action Item

Agenda Item No.

11

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner *RM*  
**Date:** November 25, 2013  
**Subject:** Second Reading: Ordinance Amendment – Regional Commercial / Emergency Shelter Zone District; Transitional Housing; and Supportive Housing (File 301.3(bb))

### **The Issue**

Should the City Council hold the Second Reading, by title only, of an Ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district?

### **Conclusion and Recommendation**

By Ordinance, hold a Second Reading, by title only, of an Ordinance which establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district.

### **Background**

The passage of Senate Bill 2 (SB 2) in 2007 established a state requirement in which all local jurisdictions must identify at least one zone district where emergency shelters for the homeless are considered a use that is permitted "by right" (i.e. without any additional required discretionary review such as a use permit). The City of Auburn undertook the process to satisfy the state requirements associated with SB 2 earlier this year, which included several different zoning proposals considered at 10 public hearings over the course of the past nine months.

On Monday, October 28, 2013, the Auburn City Council considered an ordinance proposal which amends the City's municipal code by establishing the Regional Commercial - Emergency Shelter (C-3-ES) zone district, develops standards for permanent and temporary emergency shelters, and permits supportive and transitional housing in the Medium Density Multiple-family Residential (R-3) zone district. By a vote of 5-0, the City Council approved the proposed code amendments and introduced the ordinance for First Reading.

This Second Reading is required to finalize the processing of the ordinance. The ordinance becomes effective thirty (30) days after the Second Reading.

### **Project Description**

The proposed ordinance for Second Reading (Exhibit A):

- Establishes the Regional Commercial - Emergency Shelter (C-3-ES) zone district;
- Permits permanent emergency shelters “by right” in the C-3-ES zone district;
- Allows temporary emergency shelters in association with institutional uses;
- Establishes development standards for permanent and temporary emergency shelters; and
- Permits Supportive Housing and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district.

### **Alternatives Available; Implications of Alternatives**

1. Hold the Second Reading of the proposed Ordinance creating the Regional Commercial – Emergency Shelter (C-3-ES) zone district.
2. Deny the Second Reading of the ordinance for the Regional Commercial – Emergency Shelter (C-3-ES) zone district. If the Second Reading is denied, then the City will not have satisfied the requirements of SB 2 and staff would recommend that the City Council provide direction for the designation of an alternative zone district.
3. Amend the ordinance for the Regional Commercial – Emergency Shelter (C-3-ES) zone district and reintroduce the ordinance for First Reading.

### **Fiscal Impact**

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

### **Exhibit:**

- A. Ordinance – Regional Commercial-Emergency Shelter (C-3-ES) Zone and Transitional and Supportive Housing

# EXHIBIT A

## ORDINANCE NO. 13 - \_\_\_\_\_

**AN ORDINANCE WHICH: 1) ESTABLISHES THE REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) ZONE DISTRICT; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT**

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### **THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:**

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

### **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:**

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of *FAMILY* and add definitions for *EMERGENCY SHELTER*, *INSTITUTIONAL USE*, *SUPPORTIVE HOUSING* and *TRANSITIONAL HOUSING*, to read as follows:

***EMERGENCY SHELTER.*** Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

***FAMILY.*** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

***INSTITUTIONAL USE.*** Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

***SUPPORTIVE HOUSING.*** Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

**TRANSITIONAL HOUSING.** Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business –A District (C-2A); and
- (BB) Regional Commercial - Emergency Shelter District (C-3-ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Regional Commercial - Emergency Shelter) as follows:

**159.047 REGIONAL COMMERCIAL – EMERGENCY SHELTER (C-3-ES).**

(A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

(B) The following uses shall be permitted in the Regional Commercial – Emergency Shelter (C-3-ES) zone district:

1. All uses as permitted in the C-3 District.
2. Emergency shelters.

(C) Emergency shelters shall be subject to the following development standards:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Management.** The following management standards shall apply:
  - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
  - b. Security personnel shall be provided on-site during hours of operation.

- c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
  - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
- a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
  - b. Common area for the use of residents.
  - c. Laundry facilities.
  - d. Shower facilities – provide a minimum of two (2) showers.
  - e. Secure areas shall be provided for personal property.
  - f. Adequate interior and exterior lighting shall be provided.
  - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
  - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
  - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
  - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
  - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
  - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.

- g. Adequate and effective screening. Identify the admittance eligibility of clients.
  - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
  - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
  - j. The names and contact information of all responsible parties.
- 6. Zone Specific Development Standards. An emergency shelter shall comply with all applicable development standards of the Regional Commercial zone district.
  - 7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
  - 8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.380 (Temporary Emergency Shelters) as follows:

#### **159.380 TEMPORARY EMERGENCY SHELTERS**

- (A) The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of temporary (nomadic) emergency shelters.
- (B) Temporary emergency shelters are permitted as part of an institutional use.
- (C) Temporary emergency shelters shall be subject to the following standards:
  - 1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
  - 2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
  - 3. Temporary emergency shelters are not subject to any distance separation requirements.
  - 4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
  - 5. The shelter shall not operate more than 12 hours per day.
  - 6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section

36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

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Kevin Hanley, Mayor

ATTEST:

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Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

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Stephanie L. Snyder, City Clerk

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